

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRUEPOSITION, INC.

Plaintiff,

vs.

LM ERICSSON TELEPHONE COMPANY  
(TELEFONAKTIEBOLAGET LM ERICSSON)

QUALCOMM, INC.

ALCATEL-LUCENT USA INC.

and

THIRD GENERATION PARTNERSHIP  
PROJECT A/K/A 3GPP

Defendants.

Case No. 2:11-cv-4574-RK

**[PROPOSED] ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2014,  
upon consideration of Defendant Qualcomm Incorporated's Combined Motion for Leave  
to File a Reply and for Leave to File Under Seal, and any response of TruePosition  
thereto,

IT IS HEREBY ORDERED that the Motion is GRANTED.

BY THE COURT

\_\_\_\_\_  
Hon. Robert F. Kelly, U.S.D.J.

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Defendants.

Case No. 2:11-cv-4574-RK

**DEFENDANT QUALCOMM INCORPORATED'S COMBINED MOTION FOR  
LEAVE TO FILE A REPLY AND LEAVE TO FILE UNDER SEAL ITS REPLY  
IN SUPPORT OF ITS MOTION TO COMPEL PLAINTIFF TRUEPOSITION,  
INC. TO ANSWER CERTAIN INTERROGATORIES AND DECLARATION OF  
BENJAMIN H. DIESEL**

Defendant Qualcomm Incorporated ("Qualcomm") hereby submits this Combined Motion for Leave to File a Reply in Support of Defendant Qualcomm Inc.'s Motion to Compel (Dkt. No. 249) and for Leave to File Under Seal an unredacted version of its Reply in Support of Defendant Qualcomm Inc.'s Motion to Compel Plaintiff TruePosition, Inc. to Answer Certain Interrogatories, and Declaration of Benjamin H. Diessel, with Exhibits in support.

Qualcomm understands that "Reply . . . briefs should be filed only if absolutely necessary". Rules of Hon. Robert F. Kelly, General Motion Practice Rule 2.

In light of TruePosition's recently filed Opposition (Dkt. No. 255), in which TruePosition purports to supplement its interrogatory responses, however, and to correct certain inaccuracies in that document, Qualcomm respectfully requests that it be granted leave to submit a Reply.

Qualcomm also moves for an order from this Court pursuant to E.D. Pa. L.R. 51.5(a)(2) for leave to file under seal its Reply in Support of Defendant Qualcomm Inc.'s Motion to Compel Plaintiff TruePosition, Inc. to Answer Certain Interrogatories, and accompanying Declaration of Benjamin H. Diessel, with Exhibits in support. The Reply and Declaration reference several documents that TruePosition or Qualcomm has designated as confidential under the Court's January 16, 2013 Protective Order ("Protective Order") (Dkt. No. 174). Specifically, referenced material designated as confidential includes at least the following:

- Documents appearing at Bates numbers TP00734987; TP00663099; TP00663100; TP00229446-7; TP00229442-3; TP00663121; TP00664737-38; TP00735456-57; TP00231427-9; TP00231727-30; TP00735961-7; TP00736126, attached as Ex. 1 to Declaration of Benjamin H. Diessel in Support of Reply in Support of Defendant Qualcomm Inc.'s Motion to Compel Plaintiff TruePosition, Inc. to Answer Certain Interrogatories ("Second Diessel Decl."), which have been designated "Confidential", "Highly Confidential", or "Outside Counsel Eyes Only" under the Protective Order;
- Documents appearing at Bates numbers TP00812352-TP00812354; TP00277003-TP00277005; TP00292059-TP00292063; TP00094143-TP00094153;

TP00275561-TP00275565, attached as Ex. 2 to Second Diessel Decl., which have been designated “Confidential” under the Protective Order;

- Documents appearing at Bates numbers TP00669929; TP00735454-7; TP00784741; TP00230104; TP00230084; TP00240048-9; TP00229463; TP00663097; TP00094211; TP00145815, attached as Ex. 3 to Second Diessel Decl., which have been designated “Confidential”, “Highly Confidential”, or “Outside Counsel Eyes Only” under the Protective Order;
- Documents appearing at Bates numbers TP00733496, TP00926930, and TP00943432-3, attached as Ex. 4 to Second Diessel Decl., which have been designated “Outside Counsel Eyes Only” under the Protective Order.

In compliance with Paragraph 11 of the Protective Order, Qualcomm moves to file under seal its Reply in Support of Defendant Qualcomm Inc.’s Motion to Compel Plaintiff TruePosition, Inc. to Answer Certain Interrogatories, and the Second Diessel Declaration. Simultaneously with the filing of this motion, Qualcomm is also filing a public version of the Reply, which omits references to the foregoing material.

Dated: January 27, 2014

Respectfully submitted,

/s/ Robert N. Feltoon

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*Counsel for Qualcomm Incorporated*

**CERTIFICATE OF SERVICE**

I, Robert N. Feltoon, hereby certify that I caused a true and correct copy of Qualcomm's foregoing Combined Motion for Leave to File a Reply and Leave to File Under Seal its Reply in Support of Defendant Qualcomm Inc.'s Motion to Compel Plaintiff TruePosition, Inc. to Answer Certain Interrogatories, along with the attached redacted version of the Reply in Support of Defendant Qualcomm Inc.'s Motion to Compel Plaintiff TruePosition, Inc. to Answer Certain Interrogatories, and the Declaration of Benjamin H. Diessel with Exhibits in support, to be electronically filed pursuant to the Court's electronic filing system, and that the filing is available for downloading and viewing from the electronic court filing system.

Dated: January 27, 2014

Respectfully submitted,

/s/ Robert N. Feltoon  
Robert N. Feltoon